

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 19113 of 2004

Between:

Md. Saheb Hussain, S/o. Md. Rukunuddin,

Driver, aged 38 years,

E.No. 252944, Narayankhed Depot,

R/o. Narayankhed, Medak District.

..... PETITIONER

AND

- 1 A.P. State Road Transport Corporation, Rep. by its Managing Director,
Musheerabad, Hyderabad-20
- 2 The Regional Manager, A.P.S.R.T.C., Medak Region,
Sangareddy, Medak District.
- 3 The Depot Manager, A.P.S.R.T.C., Narayankhed Depot,
Narayankhed, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 2nd and 3rd respondents and issue an appropriate Writ, Order or Direction particularly one in the nature of Writ of Mandamus declaring that the action of 2nd and 3rd respondent corporation in not fixing the petitioner's pay in the revised pay scales by adding the increments in pursuance of the Award passed by the labour Court, Hyderabad-II in I.D.No.106 of 1997, dated 7-9-2000 as illegal, unjust, contrary to law, arbitrary, and violative of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits with arrears,

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court made the following:

ORDER:

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The petitioner is working as a driver in the respondent Corporation. He was imposed a punishment of removal through the proceedings dated 17.05.1995. He preferred I.D.No.106/97 before the Labour Court-II, Hyderabad, and the Labour Court, through the Award dated 01.12.2000, directed reinstatement of the petitioner, by imposing an alternative punishment of stoppage of increments for four years without cumulative effect.

2. The grievance of the petitioner is that after the period of stoppage of four increments is over, the respondents did not restore his pay, on par with other employees. Therefore, he got issued a legal notice to the 3rd respondent on 09.07.2004. But his pay was not fixed in the revised pay scale, and he is also not granted stagnation increments for 12 years service. He, therefore, approached this Court, through this writ petition, seeking to declare that the action of the respondents 2 and 3 in not fixing his pay in the revised pay scales by adding increments in pursuance of the award of the Labour Court – II in I.D.No.106/97, dated 01.12.2000.

3. In the light of the circumstances explained by the petitioner, the respondents 2 and 3 are directed to go through the award of the Labour Court-II, Hyderabad in I.D.No.106/97, and pass appropriate orders regarding the request of the petitioner for fixation of his pay, after release of the increments, deferred from four years, for subsequent period, and fix his pay by extending the consequential benefits, within 2 (two) months from the date of receipt of a copy of this order.

4. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Managing Director, APSRTC,
Musheerabad, Hyderabad-20
2. The Regional Manager, APSRTC,
Medak Region, Sangareddy, Medak District
3. The Depot Manager, APSRTC,
Narayankhed Depot, Narayankhed,
Medak District
4. Two CD copies
5. The Presiding Officer, Labour Court-II, Hyderabad